

USSN 10/675,138

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Amdt. dated November 11, 2005

Reply to Office action of June 20, 2005

**REMARKS/ARGUMENTS**

This is in response to the Office action of June 20, 2005 to which a two month extension of time has been requested.

Reconsideration of this application is respectfully requested.

Claims 2-4 and 17-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Bedard (U.S. Patent 5,858,243). This rejection is respectfully traversed. In reviewing the '243 patent, column 2, the feature of the disclosure that pertains to the present application relates to a portion of the formula shown in that column, specifically column 2, lines 26 and 54 and in particular that portion of the formula disclosed below.

$$\{M(x) Ti(1-x) Ge(y)\}$$

When the formula is considered, it is respectfully submitted that titanium must always be present. For example, when y is the smallest amount, 0, then M and titanium are present in equal amounts. When y however is greatest, 0.75, then Ge plus titanium likewise are there. A review of the working examples clearly indicates that there is a requirement that significant amounts of titanium must be present in the compounds utilized and disclosed in the '243 patent.

Applicant has revised the claims to indicate that the extraction step utilizes a material that consists essentially of antimony silicate doped with one or more elements as is described in the claims. The current independent claims do not include the presence of measurable and significant amounts of titanium or Ge. Since the cited prior art requires significant amounts of titanium and Ge, then it is contrary to the claims of the present application and certainly the present application is not obvious over the reference.

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In light of the above, it would seem that the claims as rejected are in condition for allowance.

Applicant has re-submitted original claim 1 now as claim 22. Applicant has included however the recitation of "consisting essentially of." Therefore, the comments made above with respect to the lack of titanium and Ge from the claimed invention is equally applicable to claim 22.

Applicant includes the arguments that have been submitted previously in this application and does not need to be repeat them again in this amendment.

In view of the above comments, it would appear that the application is in condition for allowance and a notification of allowance is respectfully requested.

In the event that the Examiner does not agree that the claims are now in condition for allowance, he is courteously invited to contact the undersigned at the number given below in order to discuss any changes which the Examiner believes would lead to an allowance of the claims.

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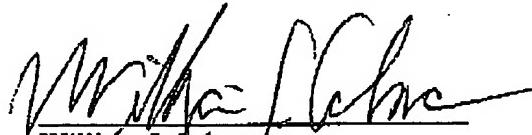
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Authorization is hereby given to charge the fee of \$450.00 for the request for the two month extension and any additional fees which are necessitated by the entry of this amendment to applicant's Deposit Account No 50-0852.

Respectfully submitted,

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